

## REVISED STATUTES OF 1846

### CHAPTER 14

#### Chapter 14. Of county officers.

#### OF SHERIFFS.

##### **51.68 Sheriff; bond; penal sum; approval; surety.**

Sec. 68. As determined by the county board of commissioners, the sheriff either shall be covered by a blanket bond or shall give a bond to the people of this state in the penal sum of at least \$10,000.00. The individual bond shall be approved by the county board of commissioners, and secured by a surety company authorized to do business in this state.

**History:** R.S. 1846, Ch. 14;—CL 1857, 409;—CL 1871, 550;—How. 578;—CL 1897, 2577;—CL 1915, 2441;—CL 1929, 1323;—CL 1948, 51.68;—Am. 1964, Act 255, Imd. Eff. May 28, 1964;—Am. 1974, Act 25, Imd. Eff. Feb. 26, 1974;—Am. 1978, Act 635, Imd. Eff. Jan. 8, 1979.

**Compiler's note:** This section as originally enacted was numbered section 69.

##### **51.69 Sheriff; bond; condition.**

Sec. 69. The condition of an individual bond required under section 68 of this chapter shall be in substance as follows: "..... has been elected to the office of sheriff of the county of ....., at the general election held in the county, or at a special election held in the county, on the ..... day of ..... shall be required to well and faithfully perform and execute the office of sheriff of the county of ....., during his or her continuance in office by virtue of the election, without fraud, deceit, or oppression, and shall pay over all money that may come into his or her hands as sheriff."

**History:** R.S. 1846, Ch. 14;—CL 1857, 410;—CL 1871, 551;—How. 579;—CL 1897, 2578;—CL 1915, 2442;—CL 1929, 1324;—CL 1948, 51.69;—Am. 1978, Act 635, Imd. Eff. Jan. 8, 1979.

**Compiler's note:** This section as originally enacted was numbered section 70.

##### **51.70 Deputy sheriffs; appointment; revocation; special deputies; responsibility for acts, defaults, and misconduct; bond.**

Sec. 70. Each sheriff may appoint 1 or more deputy sheriffs at the sheriff's pleasure, and may revoke those appointments at any time. Persons may also be deputed by a sheriff, by an instrument in writing, to do particular acts, who shall be known as special deputies and each sheriff may revoke those appointments at any time. A sheriff shall not be responsible for the acts, defaults, and misconduct in office of a deputy sheriff. The appointed deputy or deputies, other than special deputies, before entering upon the duties of office shall execute and file with the county clerk an official bond running to the people of this state in the amount of at least \$2,500.00, if the county board of commissioners determines an individual bond is necessary, which bond shall be conditioned in the same manner as the bond required of the sheriff, and with sufficient sureties as the presiding judge of the circuit court for the county approves. A county by resolution of its county board of commissioners may pay premiums on the individual bond running to the people of this state in the amount of at least \$2,500.00 as prescribed by the county board of commissioners. A bond required by this section shall be conditioned in the same manner as the bond required for the sheriff and have sufficient sureties.

**History:** R.S. 1846, Ch. 14;—Am. 1847, Act 105, Eff. May 16, 1847;—CL 1857, 411;—CL 1871, 552;—How. 580;—CL 1897, 2579;—CL 1915, 2443;—CL 1929, 1325;—CL 1948, 51.70;—Am. 1952, Act 110, Eff. Sept. 18, 1952;—Am. 1954, Act 137, Eff. Aug. 13, 1954;—Am. 1959, Act 150, Eff. Mar. 19, 1960;—Am. 1969, Act 183, Imd. Eff. Aug. 5, 1969;—Am. 1978, Act 635, Imd. Eff. Jan. 8, 1979.

**Compiler's note:** This section as originally enacted was numbered section 71.

##### **51.71 Undersheriff; appointment, vacancies.**

Sec. 71. The sheriff of each county shall, as soon as may be after entering upon the execution of his office, appoint some proper person under sheriff of the same county, who shall also be a general deputy, to hold during the pleasure of such sheriff; and as often as a vacancy shall occur in the office of such under sheriff, or he become incapable of executing the same, another shall in like manner be appointed in his place.

**History:** R.S. 1846, Ch. 14;—CL 1857, 412;—CL 1871, 553;—How. 581;—CL 1897, 2580;—CL 1915, 2444;—CL 1929, 1326;—CL 1948, 51.71.

**Compiler's note:** This section as originally enacted was numbered section 72.

##### **51.72 Undersheriff; executing office of sheriff; effect of default or misfeasance.**

Sec. 72. If a vacancy occurs in the office of sheriff of a county, the undersheriff of the county shall in all things execute the office of sheriff, until a sheriff is elected and qualified. A default or misfeasance in office of an undersheriff in that capacity, shall be considered to be a breach of the condition of the bond given on behalf of or by the sheriff who appointed the undersheriff, and also a breach of the condition of the bond executed on behalf of or by the undersheriff to the sheriff by whom the undersheriff was appointed.

**History:** R.S. 1846, Ch. 14;—CL 1857, 413;—CL 1871, 554;—How. 582;—CL 1897, 2581;—CL 1915, 2445;—CL 1929, 1327;—CL 1948, 51.72;—Am. 1978, Act 635, Imd. Eff. Jan. 8, 1979.

**Compiler's note:** This section as originally enacted was numbered section 73.

#### **51.73 Sheriff; appointments and revocations, form, filing; oaths of office.**

Sec. 73. Every appointment of an under sheriff, or of a deputy sheriff, and every revocation thereof, shall be in writing under the hand of the sheriff, and shall be filed and recorded in the office of the clerk of the county; and every such under sheriff or deputy shall, before he enters upon the duties of his office, take the oath prescribed by the twelfth article of the constitution of this state. But this section shall not extend to any person who may be deputed by any sheriff to do a particular act only.

**History:** R.S. 1846, Ch. 14;—CL 1857, 414;—CL 1871, 555;—How. 583;—CL 1897, 2582;—CL 1915, 2446;—CL 1929, 1328;—CL 1948, 51.73.

**Compiler's note:** This section as originally enacted was numbered section 74.

In this section, "the twelfth article of the constitution" refers to the Constitution of 1835. See now Const. 1963, Art. XI, § 1.

#### **51.74 Sheriff and deputy sheriff; renewal of security.**

Sec. 74. If an individual bond is required under section 68 or 70 of this chapter, each sheriff, within 20 days after the first Monday in January in each year, and each deputy sheriff before the expiration of an individual bond required under section 68 or 70 of this chapter, shall renew the security required to be given before entering upon the duties of office. The renewed security shall be in the same amount, be given in the same manner, and be subject in all respects to the same regulations, as the original security required from the sheriff or deputy sheriff.

**History:** R.S. 1846, Ch. 14;—CL 1857, 415;—CL 1871, 556;—How. 584;—CL 1897, 2583;—CL 1915, 2447;—CL 1929, 1329;—CL 1948, 51.74;—Am. 1952, Act 110, Eff. Sept. 18, 1952;—Am. 1978, Act 635, Imd. Eff. Jan. 8, 1979.

**Compiler's note:** This section as originally enacted was numbered section 75.

#### **51.75 Sheriff; custody of county jails.**

Sec. 75. The sheriff shall have the charge and custody of the jails of his county, and of the prisoners in the same; and shall keep them himself, or by his deputy or jailer.

**History:** R.S. 1846, Ch. 14;—CL 1857, 416;—CL 1871, 557;—How. 585;—CL 1897, 2584;—CL 1915, 2448;—CL 1929, 1330;—CL 1948, 51.75;—Am. 1952, Act 110, Eff. Sept. 18, 1952.

**Compiler's note:** This section as originally enacted was numbered section 76.

#### **51.76 "County primary roads," "county local roads," and "state trunk line highways" defined; sheriff's department to provide certain services; resolution requesting services; resolution requesting vehicle inspection program; concurrent resolution requiring reduction of general services; presumption; construction.**

Sec. 76. (1) As used in this section, "county primary roads", "county local roads", and "state trunk line highways" mean the same as those terms are defined in Act No. 51 of the Public Acts of 1951, as amended, being sections 247.651 to 247.673 of the Michigan Compiled Laws. However, state trunk line highways does not include freeways as defined in section 18a of Act No. 300 of the Public Acts of 1949, being section 257.18a of the Michigan Compiled Laws.

(2) Each sheriff's department shall provide the following services within the county in which it is established and shall be the law enforcement agency primarily responsible for providing the following services on county primary roads and county local roads within that county, except for those portions of the county primary roads and county local roads within the boundaries of a city or village; and on those portions of any other highway or road within the boundaries of a county park within that county:

(a) Patrolling and monitoring traffic violations.

(b) Enforcing the criminal laws of this state, violations of which are observed by or brought to the attention of the sheriff's department while providing the patrolling and monitoring required by this subsection.

(c) Investigating accidents involving motor vehicles.

(d) Providing emergency assistance to persons on or near a highway or road patrolled and monitored as required by this subsection.

(3) Upon request, by resolution, of the legislative body of a city or village, the sheriff's department of the county in which the city or village is located shall provide the services described in subsection (2)(a), (c), and (d) on those portions of county primary roads and county local roads and state trunk line highways within the boundaries of the city or village, which are designated by the city or village in the resolution. Upon request, by resolution, of the legislative body of a city or village, the sheriff's department of the county in which the city or village is located shall provide a vehicle inspection program on those portions of the county primary roads and county local roads within the boundaries of the city or village, which are designated by the legislative body of the city or village in the resolution. A resolution adopted by a city or village under this subsection shall not take effect unless the resolution is approved by the county board of commissioners of the county in which the city or village is located. A resolution of the city or village which is neither approved or disapproved by the county board of commissioners within 30 days after the resolution is received by the county board of commissioners shall be considered approved by the county board of commissioners. A resolution adopted by a city or village to request services under this subsection shall be void if the city or village reduces the number of sworn law enforcement officers employed by the city or village below the highest number of sworn law enforcement officers employed by the city or village at any time within the 36 months immediately preceding the adoption of the resolution. A concurrent resolution adopted by a majority vote of the Senate and the House of Representatives which states that the city or village is required to reduce general services because of economic conditions and is not reducing law enforcement services shall be presumptive that the city or village has not violated the strictures of this subsection.

(4) This section shall not be construed to decrease the statutory or common law powers and duties of the law enforcement agencies of this state or of a county, city, village, or township of this state.

**History:** Add. 1978, Act 416, Eff. Oct. 1, 1978.

**Compiler's note:** Former Sec. 76 of Ch. 14 of R.S. 1846 was repealed by Act 314 of 1915.

**51.77 Secondary road patrol and traffic accident prevention; grant; agreement; information; report to office of criminal justice; effect of reducing expenditures or level of road patrol; recommendations for expenditure of grant; expanded services; allocation formula; annual report; law enforcement plan; report to legislature; impact and cost effectiveness study.**

Sec. 77. (1) Before a county may obtain its grant from the amount annually appropriated for secondary road patrol and traffic accident prevention to implement section 76, the county shall enter into an agreement for the secondary road patrol and traffic accident prevention services with the office of criminal justice. A county applying for a grant for secondary road patrol and traffic accident prevention shall provide information relative to the services to be provided under section 76 by the sheriff's department of the county, which information shall be submitted on forms provided by the office of criminal justice. By April 1 of each year following a year for which the county received an allocation, a county which receives a grant for secondary road patrol and traffic accident prevention shall submit a report to the office of criminal justice on a form provided by the office of criminal justice. The report shall contain the information described in subsection (6). An agreement entered into under this section shall be void if the county reduces its expenditures or level of road patrol below that which the county was expending or providing immediately before October 1, 1978, unless the county is required to reduce general services because of economic conditions and is not merely reducing law enforcement services.

(2) A grant received by a county for secondary road patrol and traffic accident prevention shall be expended only for the purposes described in section 76 pursuant to the recommendations of the sheriff of that county, and which are approved by the county board of commissioners. The recommendations shall be relative to the following matters:

- (a) Employing additional personnel to provide the services described in section 76(2) and (3).
- (b) Purchasing additional equipment for providing the services described in section 76(2) and (3) and operating and maintaining that equipment.
- (c) Enforcing laws in state parks and county parks within the county.
- (d) Providing selective motor vehicle inspection programs.
- (e) Providing traffic safety information and education programs in addition to those programs provided before September 28, 1978.

(3) The sheriff's department of a county is required to provide the expanded services described in section 76 only to the extent that state funds are provided.

(4) For the fiscal years beginning October 1, 1980, and October 1, 1981, a county's share of the amount annually appropriated for secondary road patrol and traffic accident prevention shall be the same percentage that the county received, or was eligible to receive, of the total amount allocated to all counties pursuant to

section 12 of Act No. 51 of the Public Acts of 1951, as amended, being section 247.662 of the Michigan Compiled Laws, less the amounts distributed for snow removal and engineers, during the period of July 1, 1976, through June 30, 1977. County primary roads and county local roads within the boundaries of a city or village shall not be used in determining the percentage under this section unless the sheriff's department of the county is providing the services described in section 76(2) and (3) within the city or village pursuant to an agreement between the county and the city or village adopted after October 1, 1978. The agreement shall not be reimbursable under the formula described in this subsection unless the city or village is required to reduce general services because of economic conditions and is not merely reducing law enforcement services.

(5) From the amount annually appropriated for secondary road patrol and traffic accident prevention, the office of criminal justice may be allocated up to 1% for administrative, planning, and reporting purposes.

(6) The annual report required under subsection (1) shall include the following:

(a) A description of the services provided by the sheriff's department of the county under section 76, other than the services provided in a county park.

(b) A description of the services provided by the sheriff's department of the county under section 76 in county parks in the county.

(c) A copy of each resolution by a city or village of the county which requests the sheriff's department of the county to provide the services described in section 76.

(d) A copy of each contract between a county and a township of the county in which township the sheriff's department is providing a law enforcement service.

(e) The recommendations of the sheriff's department of the county on methods of improving the services provided under section 76; improving the training programs of law enforcement officers; and improving the communications system of the sheriff's department.

(f) The total number of sworn officers in the sheriff's department.

(g) The number of sworn officers in the sheriff's department assigned to road safety programs.

(h) The accident and fatality data for incorporated and unincorporated areas of the county during the preceding calendar year.

(i) The crime statistics for the incorporated and unincorporated areas of the county during the preceding calendar year.

(j) The law enforcement plan developed under subsection (7).

(k) A description of the role alcohol played in the incidences of personal injury traffic accidents and traffic fatalities in the county.

(l) Other information required by the department of management and budget.

(7) The sheriff of each county, the director of the department of state police, and the director of the office of criminal justice or their authorized representatives shall meet and develop a law enforcement plan for the unincorporated areas of the county. The law enforcement plan shall be reviewed and updated periodically.

(8) Before May 1 of each year, the office of criminal justice shall submit a report to the legislature. The report shall contain the following:

(a) A copy of each initial report filed before April 1 of that year and a copy of each annual report filed before April 1 of that year under subsection (6).

(b) The recommendations of the office of criminal justice on methods of improving the coordination of the law enforcement agencies of this state and the counties, cities, villages, and townships of this state; improving the training programs for law enforcement officers; and improving the communications systems of those agencies.

(c) A description of the role alcohol played in the incidences of personal injury traffic accidents and traffic fatalities in this state.

(9) From the 1% allocated to the office of criminal justice for administration, planning, and reporting, the office of criminal justice shall conduct an impact and cost effectiveness study which will review state, county, and local road patrol and traffic accident prevention efforts. This study shall be conducted in cooperation with the Michigan sheriffs' association, the Michigan association of chiefs of police, and the department of state police. Annual reports on results of the study shall be submitted to the senate and house appropriations committees by April 1 of each year.

**History:** Add. 1978, Act 416, Eff. Oct. 1, 1978;—Am. 1979, Act 103, Eff. Oct. 1, 1979;—Am. 1980, Act 70, Imd. Eff. Apr. 3, 1980;—Am. 1980, Act 349, Imd. Eff. Dec. 29, 1980;—Am. 1981, Act 94, Imd. Eff. July 12, 1981;—Am. 1982, Act 313, Imd. Eff. Oct. 15, 1982.

**Compiler's note:** This section, as amended by Act 94 of 1981, expired by its own terms effective September 30, 1982. Following expiration, the expired section was amended by Act 313 of 1982.

For transfer of administration and distribution of secondary road patrol and traffic prevention funds to Office of Highway Safety Planning, Department of State Police, see E.R.O. No. 1989-1, compiled at MCL 28.31 of the Michigan Compiled Laws.

Former section 77 of R.S. 1846, Ch. 14, was repealed by Act 314 of 1915.

#### **51.78 Repealed. 1952, Act 110, Eff. Sept. 18, 1952.**

**Compiler's note:** The repealed section provided that default of deputy should be adjudged a breach of sheriff's bond.

#### **51.79 Survival of action against sheriff or deputies.**

Sec. 79. Any action for the malfeasance, misfeasance, or nonfeasance of a sheriff or any of his deputies, may be prosecuted against the executors or administrators of such sheriff, in like manner as if the cause of action survived at common law.

**History:** R.S. 1846, Ch. 14;—CL 1857, 420;—CL 1871, 561;—How. 589;—CL 1897, 2588;—CL 1915, 2450;—CL 1929, 1332;—CL 1948, 51.79.

**Compiler's note:** This section as originally enacted was numbered section 80.

#### **51.82 Sheriff; services to state; payment.**

Sec. 82. If a sheriff is required, by any statutory provision, to perform any service, in behalf of the people of this state and for their benefit, that is not chargeable by law to his or her county, or to some officer or other person, his or her account for such services shall be audited by the state treasurer and paid out of the state treasury.

**History:** R.S. 1846, Ch. 14;—CL 1857, 423;—CL 1871, 564;—How. 592;—CL 1897, 2591;—CL 1915, 2451;—CL 1929, 1333;—CL 1948, 51.82;—Am. 2002, Act 374, Imd. Eff. May 24, 2002.

**Compiler's note:** This section as originally enacted was numbered section 83.

#### **51.83 Sheriff's office; notice, office hours.**

Sec. 83. It shall be the duty of the sheriff of every county to keep an office at the place where the courts for such county are held, of which he shall file a notice in the office of the clerk of the county; and to keep the same open during the usual business hours each day, Sundays excepted.

**History:** R.S. 1846, Ch. 14;—CL 1857, 424;—CL 1871, 565;—How. 593;—CL 1897, 2592;—CL 1915, 2452;—CL 1929, 1334;—CL 1948, 51.83.

**Compiler's note:** This section as originally enacted was numbered section 84.

#### **51.84 Service of papers at sheriff's office.**

Sec. 84. Every notice or other paper which shall be required to be served on any sheriff, may be served by leaving the same at the office designated by him in such notice, during the hours for which it is required to be kept open; but if there be any person belonging to such office therein, such notice or paper shall be delivered to such person; and every such service shall be deemed equivalent to a personal service on such sheriff.

**History:** R.S. 1846, Ch. 14;—CL 1857, 425;—CL 1871, 566;—How. 594;—CL 1897, 2593;—CL 1915, 2453;—CL 1929, 1335;—CL 1948, 51.84.

**Compiler's note:** This section as originally enacted was numbered section 85.

#### **51.85 Service of papers on sheriff at county clerk's office.**

Sec. 85. If no notice shall be filed by any sheriff with the county clerk as herein required, the service of all papers on such sheriff may be made by leaving them at the office of the county clerk; with such clerk or his deputy; and the same shall be deemed equivalent to a personal service on such sheriff.

**History:** R.S. 1846, Ch. 14;—CL 1857, 426;—CL 1871, 567;—How. 595;—CL 1897, 2594;—CL 1915, 2454;—CL 1929, 1336;—CL 1948, 51.85.

**Compiler's note:** This section as originally enacted was numbered section 86.